

Zoning Board of Adjustments



August 20, 2018

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, August 20, 2018 – 6:30 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building #100

Linda Jourdan Chair
Jason Potts Vice Chair
Kevin Lanier Board Member
Andres Gonzalez Board Member
Byron Betler Board Member
Robert Blair Alternate Board Member
Lisa Shields Alternate Board Member

Renae' Ollie Planning Director
Jasen Haskins Sr. Planner
Kevin Molina Planner
Mary Bradley Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the July 9, 2018 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request from **Carol Cobble** for a variance to Section 2.5.C.2.a b & c of the Zoning Ordinance for the number of accessory structures on a lot, the combined lot coverage of accessory structures, and carport rear

setback requirements, property located at 402 Dogwood Drive, being Lot 20, Block 6 of the Wylwood Estates Third Installment. **ZBA 2018-10.**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 17th day of August, 2018 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, July 9, 2018 – 6:30 pm
Wylie Municipal Complex – Room 230 Conference Room
300 Country Club Road, Building 100

CALL TO ORDER

The Zoning Board of Adjustment was called to order at 6:30 PM and a quorum was present. Board Members present: Chair Linda Jourdan, Vice Chair Jason Potts, Board Member Andre Gonzalez, Board Member Byron Betler, and Board Member Kevin Lanier. Alternate Board Members Robert Blair and Alternate Lisa Shields were both present but did not participate.

Staff members present were: Renae' Ollie, Planning Director, Kevin Molina, Planner, and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the May 21, 2018 Meeting.

A motion was made by Vice Chair Potts and seconded by Board Member Gonzalez, to approve the Minutes of the May 21, 2018 Meeting.
Motion carried 5 – 0.

ELECTION OF CHAIR AND VICE CHAIR

1. A motion to nominate Vice Chair.

A motion was made by Board Member Lanier, and seconded by Board Member Jourdan to nominate Board Member Potts as Vice Chair.
Motion carried 5 – 0.

2. A motion to nominate Chair.

A motion was made by Board Member Gonzalez, and seconded by Board Member Lanier to nominate Board Member Jourdan as Chair.
Motion carried 5 – 0.

PUBLIC HEARINGS

Item 1 – ZBA 2018-09

Hold a public hearing to consider and act upon a request from **Matt King** for a variance to Section 4.3.E.1.a.1 of the Zoning Ordinance for the required landscaping area on Lot 4RB of the Railroad Industrial Park Addition located north of the intersection of Cooper Drive and State Highway 78. **ZBA 2018-09**

Staff Comments

Mr. Molina stated that the property is located on Lot 4RB of the Railroad Industrial Park Addition and is zoned Commercial Corridor. The request is for a new development. The Planning and Zoning Commission approved the Site Plan with conditions that a variance be considered on the landscaping.

The applicant is requesting a variance to allow for a landscaped area of 15.26 percent in lieu of the required 20 percent coverage requirement.

The unique circumstance the applicant is providing three points of access and requires more pavement to achieve proper circulation and access through Industrial Court, State Highway 78 and Cooper Drive.

Public comment forms were mailed to 20 property owners, and two comment forms were received in favor and no responses received in opposition of the request.

Board Discussion

Mr. Matt King, 4308 Cherry, Melissa, SCSD – Finnel LTD, represented the applicant for the subject property, stated that large potted plants will be placed along the sidewalk surrounding the building. These plants will add character to the property, but will not meet the additional five percent needed.

Mr. Cary Albert, Developer Schlotzsky's Eatery, P. O. Box 165054, Irving, Texas, stated that one of the restaurants will be a Schlotzsky's Eatery and the other shell will possibly be a another type of restaurant. Both will have oversized patios with hanging pots, as well greenery along the sidewalks and parking lots.

Commissioners questioned the access to the property. Mr. Sam Satterwhite, Wylie Economic Development, seller of the property stated that a requirement when applicant purchased the property to respect the access from the existing businesses. The three points of access on the subject property will help traffic flow from Industrial Court, Cooper Drive and State Highway 78.

Public Comments

Chair Jourdan opened the Public Hearing. With no one approaching the Board Members, Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Gonzalez, and seconded by Vice Chair Potts, to Grant the variance to allow landscaped area of 15.25 percent in lieu of the required 20 percent on property located Lot 4RB of the Railroad Industrial Park Addition. Motion carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Lanier, and seconded by Vice Chair Potts to adjourn the meeting. All Board Members were in consensus.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>August 20, 2018</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2018-10</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>402 Dogwood</u> <u>Wylwood Estates Third</u> <u>Installment</u>
Date Prepared:	<u>August 13, 2018</u>	Subdivision Name:	<u>Location Map, Site Layout,</u> <u>Statement from Applicant,</u> <u>Notification List and Map</u> <u>with Responses</u>
		Exhibits:	

Subject

Hold a public hearing to consider and act upon a request from **Carol Cobble** for a variance to Section 2.5.C.2.a b & c of the Zoning Ordinance for the number of accessory structures on a lot, the combined lot coverage of accessory structures, and carport rear setback requirements, property located at 402 Dogwood Drive, being Lot 20, Block 6 of the Wylwood Estates Third Installment. **ZBA 2018-10.**

Discussion

The subject property is located at 402 Dogwood Drive and is currently zoned SF-10/24. The applicant is requesting 3 variances to the zoning ordinance to allow for the placement of a carport.

The first variance is to increase the allowed number of accessory structures on the lot from 2 to 3 structures. This variance would allow for the 2 existing sheds to remain as is and the placement of a carport that measures 22 by 26 ft.

The second variance is to allow for the combined floor area of all accessory structures to be increased from 5% of the lot coverage to 11%.

The third and last variance request is for the rear setbacks for carports to be changed from 20' from the rear property line to 12'1".

The applicants reasoning for wanting the carport is to provide a sheltered space to protect her elderly parents from inclement weather when entering and exiting vehicles.

Public comment forms were mailed to 28 property owners within 200 feet of this request, as required by State Law. At the time of this posting no responses were received opposing the request. Property owners at 400, 404 Dogwood Drive and 303 Briarwood Drive submitted a signed letter showing support for the variance request.

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code;

or

(6) Is based exclusively on findings of personal or financial hardship.

In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

Approved By

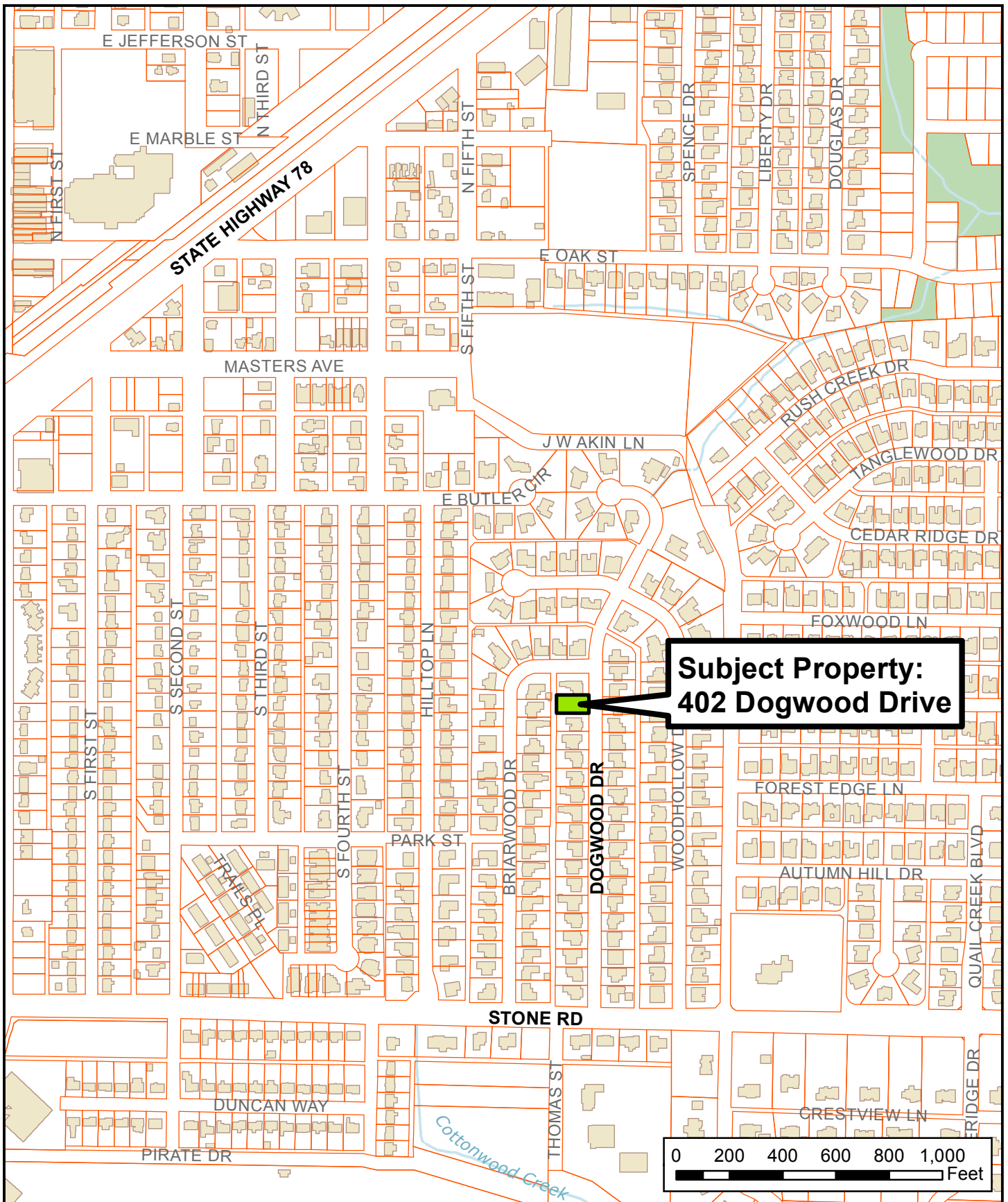
Department Director

Initial

RO

Date

08-14-18



**Subject Property:
402 Dogwood Drive**



LOCATION MAP ZBA #2018-10



Map Date: 8/3/2018

402 Dogwood Drive

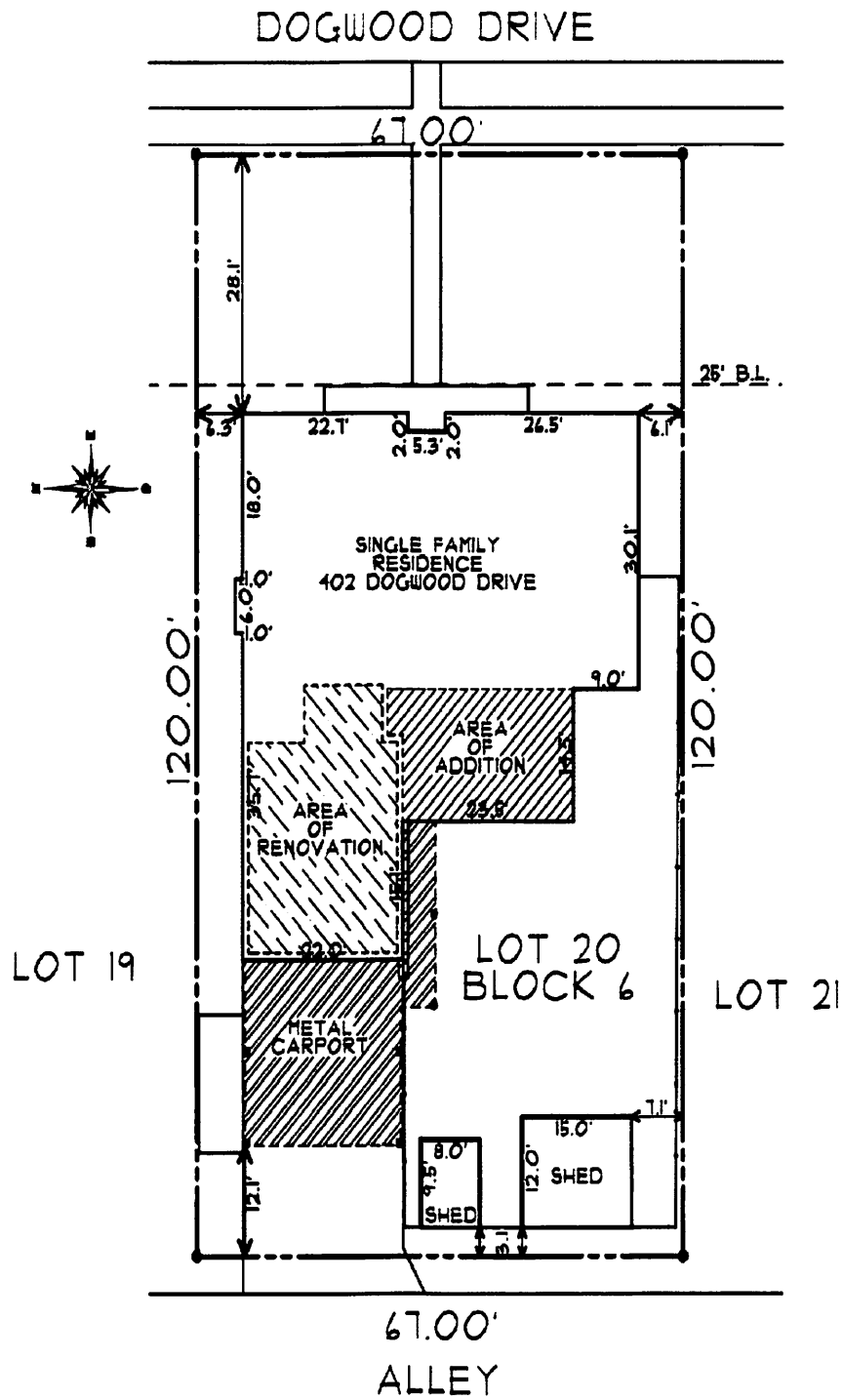
Request for Variance Approval

Article 2, Section 2.5

- Request to add additional accessory structure – Carport
- Request for carport with rear access, with setback to be a twelve feet, (12) feet from the property line.



Plot for 402 Dogwood



Thank you for considering the request for the variance to Article 2, Section 2.5 of the Wylie zoning ordinance.

My request for this variance is for the safety and health concerns for my parents.

August 1, 2018

Zoning Board of Adjustments
City of Wylie
300 Country Club Road
Building 100
Wylie, TX 75098

Dear Board Members,

Our neighbor, Carol Cobble, residing at 402 Dogwood Drive, has informed us of her desire to add a carport as part of the remodeling that is currently being done to accommodate the relocation of her parents.

We have been advised by Carol Cobble that the city zoning ordinance, Article 2, Section 2.5 allows a maximum of two accessory structures to be placed on a residential lot and that Article 2, Section 2.5 also requires a carport with rear access, requires the rear setback to be a minimum of twenty (20) feet from the property line.

Carol Cobble has informed us of her intention to file for a variance to the zoning ordinance, Article 2, Section 2.5 as the addition of the carport would be considered a third accessory structure and that the setback from the property line will be twelve (12) feet.

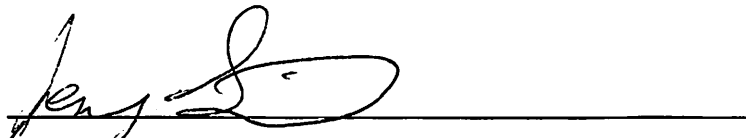
We understand the addition of the carport would provide shelter for her parents during inclement weather when entering or exiting a vehicle. Slipping and falling on wet concrete surfaces is a valid concern when providing accommodations for our older family members.

As a neighbor, I do not have any objection to Carol Cobble requesting a variance to the zoning ordinance to add a carport to the residence.

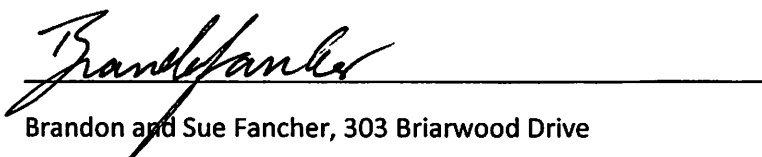
Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Ingram", written over a horizontal line.

Melissa Ingram, 400 Dogwood Drive

A handwritten signature in black ink, appearing to read "Jeremy and Rosa Smith", written over a horizontal line.

Jeremy and Rosa Smith, 404 Dogwood Drive

A handwritten signature in black ink, appearing to read "Brandon and Sue Fancher", written over a horizontal line.

Brandon and Sue Fancher, 303 Briarwood Drive

Explanation For Variance Request

It recently became necessary to relocate my parents from San Antonio to Wylie. Both my parents are in their early 80s and we were at a point with some health concerns that required them to be closer to family.

We decided to enclose the garage to make a new Master Suite and enclose the existing patio to make a new living area. The renovations are currently under way and follow ADA guidelines in case the use of walkers and or wheel chairs should be required in the future.

It is my desire to add a carport that will provide coverage from inclement weather and limit the chances of one of my parents slipping or falling on a wet concrete surface when getting in or out of a vehicle. With both my parents being in their early 80s falling is a definite health concern. The carport will also provide protection to the vehicles in case Wylie experiences another hail storm.

As evidenced by the letter included in the variance request package, adjacent neighbors have no objections to the carport being added to the property.

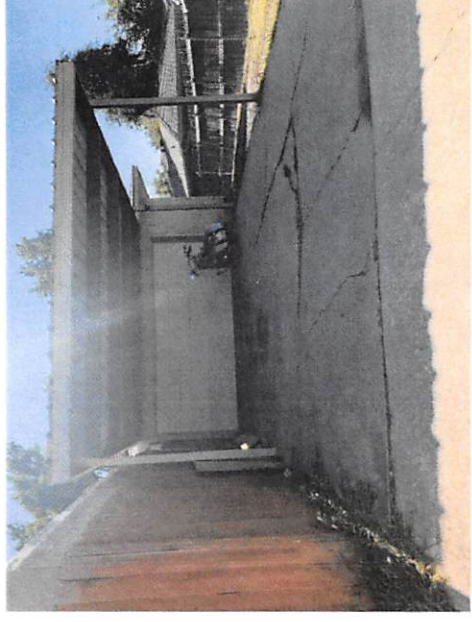
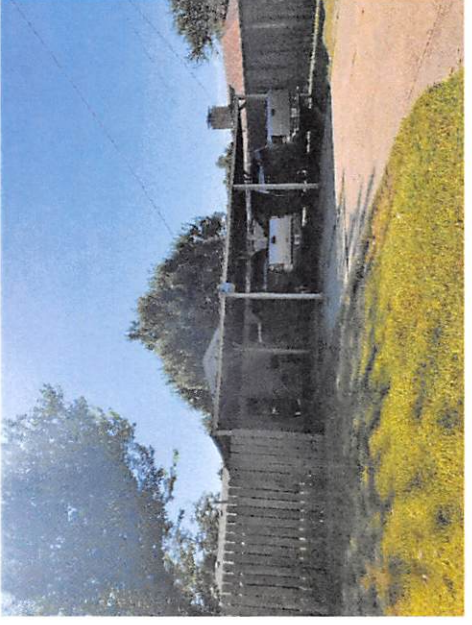
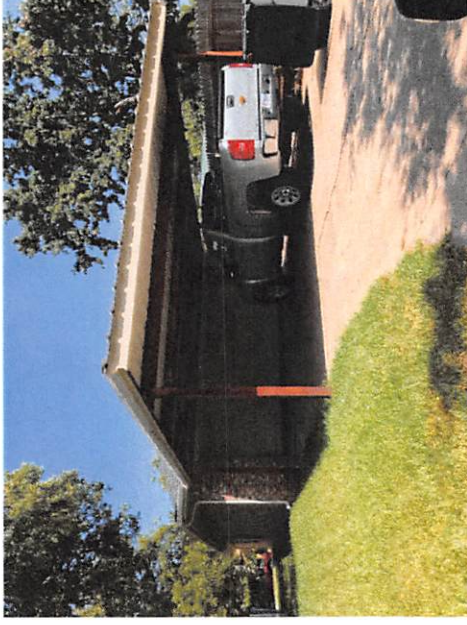
Our neighborhood has numerous properties that have carports and additional accessory structures, as shown on the following pages.



The property included a storage building and a gazebo when purchased in 2008.



Carports - Alley between Dogwood Drive and Briarwood Drive



400 Dogwood Drive



Property on Briarwood Drive with 4 accessory structures





NOTIFICATION MAP

ZBA #2018-10

○ For
X Against



Map Date: 8/3/2018

#	SITE ADDRESS	PROP ID	X_REF	geo_id	PROPERTY OWNER NAME	PROPERTY OWNER NAME 2	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	legal_desc
1	300 BRIARWOOD DR WYLLIE, TX 75098	456642	R-1185-005-0140-1	R-1185-005-0140-1	WOELFLE JAMES C		300 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 14
2	301 BRIARWOOD DR WYLLIE, TX 75098	456722	R-1185-006-0180-1	R-1185-006-0180-1	MITCHELL SHARON		301 BRIARWOOD DR	WYLLIE	TX	75098-3845	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 18
3	302 BRIARWOOD DR WYLLIE, TX 75098	456633	R-1185-005-0130-1	R-1185-005-0130-1	ANDERHUB CHARLES STEPHEN		302 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 13
4	303 BRIARWOOD DR WYLLIE, TX 75098	456713	R-1185-006-0170-1	R-1185-006-0170-1	FANCHER BRANDON W & SUSANNE J		303 BRIARWOOD DR	WYLLIE	TX	75098-3845	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 17
5	304 BRIARWOOD DR WYLLIE, TX 75098	456624	R-1185-005-0120-1	R-1185-005-0120-1	DELGADO DELIA	BARBOSA NORMA	PO BOX 84	WYLLIE	TX	75098-0084	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 12
6	305 BRIARWOOD DR WYLLIE, TX 75098	456704	R-1185-006-0160-1	R-1185-006-0160-1	WILSON JOSEPH R & KRISTIE L		305 BRIARWOOD DR	WYLLIE	TX	75098-3845	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 16
7	306 BRIARWOOD DR WYLLIE, TX 75098	456615	R-1185-005-0110-1	R-1185-005-0110-1	SIMS LOHRIM & ANTHONY CORAZZO		306 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 11
8	307 BRIARWOOD DR WYLLIE, TX 75098	456697	R-1185-006-0150-1	R-1185-006-0150-1	HEAD TRAVIS		307 BRIARWOOD DR	WYLLIE	TX	75098-3845	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 15
9	308 BRIARWOOD DR WYLLIE, TX 75098	456606	R-1185-005-0100-1	R-1185-005-0100-1	WEEKS KERRY A		308 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 10
10	309 BRIARWOOD DR WYLLIE, TX 75098	456688	R-1185-006-0140-1	R-1185-006-0140-1	PAGE CHARLES R		309 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 14
11	312 BRIARWOOD DR WYLLIE, TX 75098	456599	R-1185-005-0090-1	R-1185-005-0090-1	ANDERSON NIKEYA &	ANTONIO ANDERSON	312 BRIARWOOD DR	WYLLIE	TX	75098-3845	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 9
12	314 BRIARWOOD DR WYLLIE, TX 75098	456580	R-1185-005-0080-1	R-1185-005-0080-1	LEE DOVIE		314 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 8
13	316 BRIARWOOD DR WYLLIE, TX 75098	456571	R-1185-005-0070-1	R-1185-005-0070-1	LANGLOYS MATTHEW C & MICHELLE M		316 BRIARWOOD DR	WYLLIE	TX	75098-3844	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 7
14	400 DOGWOOD DR WYLLIE, TX 75098	456731	R-1185-006-0190-1	R-1185-006-0190-1	INGRAM MELISSA		640 W BROWN ST	WYLLIE	TX	75098-5386	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 5, LOT 19
15	402 DOGWOOD DR WYLLIE, TX 75098	456740	R-1185-006-0200-1	R-1185-006-0200-1	COBBLE CAROL A		402 DOGWOOD DR	WYLLIE	TX	75098-3848	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 20
16	403 DOGWOOD DR WYLLIE, TX 75098	457106	R-1185-007-0200-1	R-1185-007-0200-1	WOZNAK DAVID &	BERNADETTE WOZNAK	403 DOGWOOD DR	WYLLIE	TX	75098-3849	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 20
17	404 DOGWOOD DR WYLLIE, TX 75098	456759	R-1185-006-0210-1	R-1185-006-0210-1	SMITH JEREMY J & ROSA M		404 DOGWOOD DR	WYLLIE	TX	75098-3848	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 21
18	405 DOGWOOD DR WYLLIE, TX 75098	457099	R-1185-007-0190-1	R-1185-007-0190-1	TORRES RENATO		PO BOX 1333	WYLLIE	TX	75098-1333	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 19
19	406 DOGWOOD DR WYLLIE, TX 75098	456768	R-1185-006-0220-1	R-1185-006-0220-1	COX PATRICIA ANN & JERRY LYNN		406 DOGWOOD DR	WYLLIE	TX	75098-3848	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 22
20	407 DOGWOOD DR WYLLIE, TX 75098	457080	R-1185-007-0180-1	R-1185-007-0180-1	WILLAMSON JEFFREY L		PO BOX 2398	WYLLIE	TX	75098-2398	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 18
21	408 DOGWOOD DR WYLLIE, TX 75098	456777	R-1185-006-0230-1	R-1185-006-0230-1	WILSON RICHARD C & RAMY S		PO BOX 871	WYLLIE	TX	75098-0871	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 6, LOT 23
22	409 DOGWOOD DR WYLLIE, TX 75098	457071	R-1185-007-0170-1	R-1185-007-0170-1	CARLIN KEVIN		409 DOGWOOD DR	WYLLIE	TX	75098-3849	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 17
23	411 DOGWOOD DR WYLLIE, TX 75098	457062	R-1185-007-0160-1	R-1185-007-0160-1	TIMBRELL DAVID		411 DOGWOOD DR	WYLLIE	TX	75098-3849	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 16
24	413 DOGWOOD DR WYLLIE, TX 75098	457053	R-1185-007-0150-1	R-1185-007-0150-1	EUSTICE GUSTAF IVAN &	EUSTICE CHRISTINE ANASTASIA	413 DOGWOOD DR	WYLLIE	TX	75098-3849	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 15
25	415 DOGWOOD DR WYLLIE, TX 75098	457044	R-1185-007-0140-1	R-1185-007-0140-1	WYLLIE DOGWOOD TRUST		4411 EMERALD DR	CARROLLTON	TX	75010-4515	WYWOOD ESTATES THIRD INSTALLMENT (CWY), BLK 7, LOT 14
26	408 WOODHOLLOW DR WYLLIE, TX 75098	457286	R-1186-007-0250-1	R-1186-007-0250-1	KINSER TRINA HUGHES		408 WOODHOLLOW DR	WYLLIE	TX	75098-3853	WYWOOD ESTATES FOURTH INSTALLMENT (CWY), BLK 7, LOT 25
27	410 WOODHOLLOW DR WYLLIE, TX 75098	457295	R-1186-007-0260-1	R-1186-007-0260-1	WILLAMSON JOHN E & SAMANTHA S		410 WOODHOLLOW DR	WYLLIE	TX	75098-3853	WYWOOD ESTATES FOURTH INSTALLMENT (CWY), BLK 7, LOT 26
28	412 WOODHOLLOW DR WYLLIE, TX 75098	457302	R-1186-007-0270-1	R-1186-007-0270-1	HUNT BRENT & VALERIE		412 WOODHOLLOW DR	WYLLIE	TX	75098-3853	WYWOOD ESTATES FOURTH INSTALLMENT (CWY), BLK 7, LOT 27